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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,887	08/25/2000	Henry M. Gallops JR.	BEA-246	5963
7590	07/09/2003			
Milton Wolson Malina & Wolson 60 East 42nd Street Suite 501 New York, NY 10165			EXAMINER	RICCI, JOHN A
		ART UNIT	PAPER NUMBER	3712
DATE MAILED: 07/09/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. <b>09/648,887</b>	Applicant(s) <b>Gallops</b>	
	Examiner <b>John Ricci</b>	Art Unit <b>3712</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Apr 28, 2003

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 8-21 is/are pending in the application.

4a) Of the above, claim(s) 8-12 is/are withdrawn from consideration.

5)  Claim(s) 20-21 is/are allowed.

6)  Claim(s) 13-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

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Claims 13-16, 18, & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Slates 5,406,712.

Slates shows a sight pin block having sight pin openings 15 for a series of sight pins. To adjust the sight of Slates, one would fire test shots for different yardages to determine the correct positioning of each of the five pins 31. These pins would then be locked in position using screws 41. The pin positioning would then be correct for a bow having a speed of the test bow (say, 280 feet per second). If the sight pin block were to be transferred to another bow with a speed of 280 feet per second, it would only be necessary to determine the corresponding arrow flight range for one of the pins; each of the other pins will then be in correct position.

It is not clear what is meant by "without any need to manually position such other sight pins in their openings"; in applicant's invention, it appears that pins 32, 34, 36, 38 are "manually positioned" in corresponding openings 32', 34', 36', 38'; likewise, in Slates, pins 31 are manually positioned in openings 15.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slates in view of the "Bear Premier Hunting Sight".

The sight of Slates is apparently bolted to the surface of the riser, where it may fit awkwardly. One would recognize that a complementary opening in the riser to receive the sight would provide a better fit. For example, the Bear sight is mounted in an opening in the riser. One would recognize that mounting the sight of Slates in an opening in the riser would be desirable to provide a better fit. It would have been obvious to one of ordinary skill in the art to mount the sight of Slates in an opening in the riser, as suggested by the Bear sight.

\* \* \* \* \*

Claims 20 & 21 are allowed.

\* \* \* \* \*

Applicant's arguments filed 11/12/02 have been fully considered but they are not persuasive.

We appreciate that applicant's attorney has argued several times that the bow sight of Slates does not include pin openings at fixed distances, selected so that pins do not have to be "manually positioned" to indicate their flight range. But it is still not clear how applicant's

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invention is different from Slates, since applicant's pins 30, 32, 34, 36, 38 are in fact "manually positioned" in openings 30', 32', 34', 36', 38'. The openings 15 in the sight of Slates are definitely at fixed distances in block 3.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

\* \* \* \* \*

This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 703-308-4751

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Fax: Use 703-872-9302 (872-9303 for After-Final papers) for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

*Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.*

My supervisor is Derris Banks, 703-308-1745.

PTO main switchboard: 800-786-9199.

Visit our Web site at [www.uspto.gov](http://www.uspto.gov).

*John Ricci*

**JOHN RICCI  
PRIMARY EXAMINER  
ART UNIT 3712**